

ENTERED

March 06, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MANUEL CASTILLO,

Plaintiff,

VS.

TEXAS BOARD OF PARDON AND
PAROLES, *et al*,

Defendants.

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CIVIL NO. 2:16-CV-00504

ORDER

The Court is in receipt of Defendants' August 9, 2017, motion for summary judgment, Dkt. No. 18; the October 5, 2017, Memorandum and Recommendation ("M&R") of the Magistrate Judge to whom this case was referred, Dkt. No. 19; the December 1, 2017, amendment to the M&R, Dkt. No. 23;¹ and Plaintiff's December 20, 2017, objection to the M&R and its amendment, Dkt. No. 25.

The Court reviews objected-to portions of a Magistrate Judge's proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff's objection is frivolous, conclusory, general, or contains no argument that the M&R has not already considered. *See* Dkt. Nos. 19, 25; *Battle v. United States Parole Comm'n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections). After independently reviewing the record and considering the applicable law, the Court adopts the proposed M&R and its amendment in their entirety. Dkt. Nos. 19, 23. Thus, the Court **OVERRULES** Plaintiff's objection. Dkt. No. 25.

The Court hereby:

- **GRANTS** Defendants' motion for summary judgment, Dkt. No. 18; and

¹ The amendment alters the October 5, 2016, M&R only to reflect that Plaintiff timely filed a response to Defendant's motion for summary judgment. Dkt. No. 23 at 4. However, the Magistrate Judge found that "Plaintiff presents nothing in his response to cause the undersigned to change any other part of the October 5, 2017 M&R's findings conclusions, and recommendation." *Id.*

- **DISMISSES WITH PREJUDICE** this action.

The Court will order entry of final judgment separately.

SIGNED this 5th day of March, 2018.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge